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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
841 Chestnut Building  
Philadelphia, Pennsylvania 19107

**NOTICE OF POTENTIAL LIABILITY AND OFFER TO NEGOTIATE  
FOR REMOVAL ACTION**  
**URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

APR 22 1998

Burton N. Fleischer  
Director, Environmental Services  
General Chemical Corporation  
90 East Halsey Road  
Parsippany, NJ 07054

Re: Allied Chemical Front Royal Works Site (Site)  
Warren County, Front Royal, Virginia

Dear Mr. Fleischer:

This letter confirms notification of potential liability, as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9607(a), as amended (CERCLA), that your company, General Chemical Corporation (GCC) may incur or may have incurred with respect to the above-referenced Site. This letter also notifies GCC of forthcoming removal activities at the Site which GCC may be asked to perform or pay for at a later date if EPA performs them.

**NOTICE OF POTENTIAL LIABILITY**

The United States Environmental Protection Agency (EPA) has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the above-referenced Site. EPA has spent, or is considering spending, public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a potentially responsible party (PRP) or parties will properly perform or finance such actions, EPA may perform these actions pursuant to Section 104 of CERCLA.

Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. §§ 9606(a) and 9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6973 (RCRA), and other laws, PRPs may be obligated to implement response actions deemed necessary by EPA to protect public health, welfare or the environment, and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such actions and costs may include, but are not limited to, expenditures for investigations, planning, response, oversight, and enforcement activities. In addition, PRPs may be liable for damages to natural resources. EPA may issue an administrative order pursuant to Section 106(a) of CERCLA, 42 U.S.C. §

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9606(a), to require PRPs to commence cleanup activities. Failure to comply with an administrative order issued under Section 106(a) of CERCLA, 42 U.S.C. § 9606(a), may result in a fine of up to \$25,000 per day, under Section 106(b) of CERCLA, and/or imposition of treble damages, under Section 107(c)(3), 42 U.S.C. § 9607(c)(3).

EPA has evaluated information in connection with the investigation of the Site. Based on this information, EPA believes that GCC may be a PRP with respect to this Site. PRPs under CERCLA include current owners and operators of the Site, owners and operators at the time of disposal, as well as persons who arranged for disposal or treatment of hazardous substances sent to the Site, or persons who accepted hazardous substances for transport to the Site. By this letter, EPA notifies GCC of its potential liability with regard to this matter and encourages you to voluntarily perform or finance those response activities that EPA determines are necessary at the Site.

### **SITE RESPONSE ACTIVITIES**

At present, EPA is planning to conduct the following activities at the Site:

- \* Determine the extent of contamination by hazardous substances in soils and identify hazardous substances in process equipment and other areas posing a threat of release;
- \* Remove hazardous substances that have been released to soils as identified in the extent of contamination study or that may pose a threat of release from process equipment and other areas; and
- \* Conduct off-site transportation and disposal of hazardous substances from the Site.

### **DECISION NOT TO USE SPECIAL NOTICE**

Under CERCLA Section 122(e), 42 U.S.C. § 9622(e), EPA has the discretionary authority to invoke special notice procedures to negotiate formally the terms of an agreement between EPA and PRPs to conduct or finance response activities. Use of these special notice procedures triggers a moratorium on certain EPA activities at the Site while formal negotiations between EPA and the PRP or PRPs are conducted.

In this case, EPA has decided not to invoke the Section 122(e) special notice procedures because use of such procedures is not practicable or in the public interest, nor would use of such procedures facilitate an agreement or expedite remedial action. It is EPA's policy not to use the special notice procedures for removals unless there is a six-month planning lead time after the decision to respond and prior to the initiation of the action. Since the planning lead time prior to the initiation of this response action is less than six months, special notice procedures will not be used. Nonetheless, EPA is willing to discuss settlement opportunities without invoking a moratorium, but will initiate the response action as planned if such discussions do not lead to settlement expeditiously.

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### **INFORMATION TO ASSIST RESPONSIBLE PARTIES**

EPA encourages good faith negotiations between the PRPs and EPA, and among the PRPs. To assist PRPs in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing below the names and addresses of PRPs to whom this notification is being sent. This list represents EPA's preliminary findings on the identities of PRPs. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site.

Anthony H. Murray, Jr., Inc.  
Trustee for Avtex Fibers, Front Royal, Inc.  
Neshaminy Plaza II  
Suite 207  
3070 Bristol Pike  
Bensalem, PA 19020

Robert Ford  
AlliedSignal, Inc.  
101 Columbia Road  
PO Box 1139  
Morristown, NJ 07962

### **PRP STEERING COMMITTEE**

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Establishing a manageable group is critical for successful, expeditious, and efficient negotiations with EPA.

### **ADMINISTRATIVE RECORD**

Pursuant to CERCLA Section 113(k), 42 U.S.C. § 9613(k), EPA will establish an administrative record that contains documents that form the basis of EPA's decision on the selection of a response action for a site. The administrative record files, which contain such documents related to the response action selected for this Site will be available to the public for inspection and comment. The primary location is the EPA Regional Office located at 841 Chestnut Building, Philadelphia, Pennsylvania.

### **PRP RESPONSE AND EPA CONTACT**

You are encouraged to contact EPA within 7 calendar days of your receipt of this letter to indicate your willingness to participate in future negotiations at this Site. You may respond individually or through a steering committee if such a committee has been formed. If EPA does not receive a timely response, EPA will assume that you have declined any involvement in

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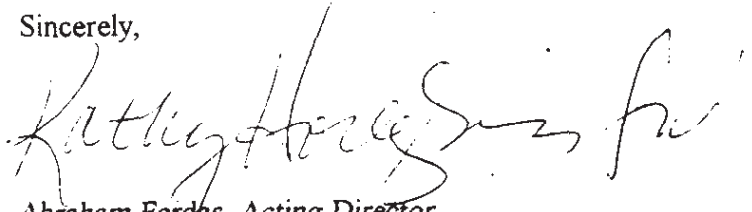
performing the response activities described above. You may be held liable under Section 107 of CERCLA for the cost of the response activities EPA performs at the Site and for any damages to natural resources.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final EPA positions on any matter set forth herein. Your response to this notice letter should be sent to:

Glen S. Lapsley  
U.S. Environmental Protection Agency  
Removal Enforcement and  
Oil Section/3HS32  
841 Chestnut Building  
Philadelphia, PA 19107  
(215) 566-3279

If you have questions of a technical nature, they may be addressed to Mr. Lapsley. Questions of a legal nature may be addressed to Wayne R. Walters, Senior Assistant Regional Counsel, at (215) 566-2699.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Abraham Ferdas', is written over a horizontal line.

Abraham Ferdas, Acting Director  
Hazardous Site Cleanup Division

cc: Wayne R. Walters, Esq. (3RC21)  
Bonnie Gross (3HS23)

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